

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88
ECF Case

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This document relates to the following case:

City of New York v. Amerada Hess Corp., et al.
Case No. 04 Civ. 3417

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**PLAINTIFF CITY OF NEW YORK'S NOTICE OF MOTION AND MOTION *IN*
LIMINE NO. 8 TO EXCLUDE EVIDENCE OR ARGUMENT CONCERNING
TREATMENT COSTS ASSOCIATED WITH OTHER VOCs**

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on May 11, 2009, at the United States Courthouse at 500 Pearl Street, New York, New York 10007, before the Hon. Shira A. Scheindlin, United States District Judge, Plaintiff the City of New York hereby moves this Court *in limine* to enter an Order that Defendants shall not make reference, offer any evidence, or make any argument concerning the cost to treat volatile organic compounds ("VOCs") other than MTBE¹ present in groundwater drawn from the wells at issue.

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¹ The term "MTBE" means methyl tertiary butyl ether and its degradation byproducts including tertiary butyl alcohol (TBA).

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order granting the relief set forth in this Motion. In support of its Motion, Plaintiff relies upon the Memorandum of Law and the Declaration of Nicholas G. Campins filed concurrently herewith, and the pleadings, records and files in this action. Plaintiff requests an oral hearing on this Motion.

Dated: San Francisco, California
May 11, 2009

Respectfully submitted,

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Plaintiff City of New York
100 Church Street
New York, New York 10007
(212) 788-1568

/s/ NICHOLAS G. CAMPINS
VICTOR M. SHER (*pro hac vice*)
TODD E. ROBINS (*pro hac vice*)
JOSHUA G. STEIN (*pro hac vice*)
LESLEY E. WILLIAMS (LW8392)
NICHOLAS G. CAMPINS (*pro hac vice*)
MARNIE E. RIDDLE (*pro hac vice*)

SHER LEFF LLP
450 Mission Street, Suite 400
San Francisco, CA 94105
(415) 348-8300

Attorneys for Plaintiff City of New York

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the following documents were served on Liaison Counsel via Electronic Mail, and on all counsel of record by posting them directly to CM/ECF and LexisNexis File & Serve on the 11th day of May, 2009:

- 1) **PLAINTIFF CITY OF NEW YORK'S NOTICE OF MOTION AND MOTION *IN LIMINE* NO. 8 TO EXCLUDE EVIDENCE OR ARGUMENT CONCERNING TREATMENT COSTS ASSOCIATED WITH OTHER VOCS**
- 2) **PLAINTIFF CITY OF NEW YORK'S MEMORANDUM OF LAW IN SUPPORT OF MOTION *IN LIMINE* NO. 8 TO EXCLUDE EVIDENCE OR ARGUMENT CONCERNING TREATMENT COSTS ASSOCIATED WITH OTHER VOCS**
- 3) **DECLARATION OF NICHOLAS G. CAMPINS IN SUPPORT OF PLAINTIFF CITY OF NEW YORK'S MOTION *IN LIMINE* NO. 8 TO EXCLUDE EVIDENCE OR ARGUMENT CONCERNING TREATMENT COSTS ASSOCIATED WITH OTHER VOCS**
- 4) **[PROPOSED] ORDER GRANTING PLAINTIFF CITY OF NEW YORK'S MOTION *IN LIMINE* NO. 8 TO EXCLUDE EVIDENCE OR ARGUMENT CONCERNING TREATMENT COSTS ASSOCIATED WITH OTHER VOCS**



KRISTIN MEYERS